



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,074	04/12/2001	Gary W. Grube	276440-12	2750

7590 11/21/2002

O'MELVENY & MYERS LLP  
400 So. Hope Street  
Los Angeles, CA 90071-2899

EXAMINER

ABRAMS, NEIL

ART UNIT	PAPER NUMBER
----------	--------------

2839

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/834074

Applicant(s)

Examiner

Abrams

Group Art Unit

2839

---The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address---

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 10-1-02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-12, 14-27, 39-46, 48-66, 68-79, 83, 84, 88-89 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1-12, 14-27, 39-46, 68-79 is/are allowed.
- ☒ Claim(s) 48-59, 61-66, 78, 79, 83, 84, 86-89 is/are rejected.
- ☒ Claim(s) 60 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2839

Abstract, lines 17, 18 objected to, where is "protruding member comprises an electronic device" shown, <sup>Applicant</sup> could change to "an electronic device (348) is fixed between a rear extension of the beam and the substrate". At ~~end~~ "The beam may include a reverse wiping tip", should be added. Mark-up copy not needed. For claims 48-66, figs. 5A, 5B are seen to be relied upon. However, these do not include the claim 51 "extends away" or claim 55 "shared terminal features, as best understood.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claims 1, etc. post, projections comprised of a core wire coated with structural material" or claims 51, 55 features noted above and claim <sup>71</sup> 70 feature must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The post features could be shown in figs. 4A, 5A by depiction of parts 221, 212, 220 as in Khandios '152, fig. 7H to show the core wire (752 in fig. 7G) and shell.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Art Unit: 2839

Claims 55, 62, 63, 64, 66 and 78-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Just what features claims 55, 62, 66 and 79 refers to is unclear, claim 64 "said wire" lacks antecedent basis. Claim 84 is not a correct amended copy of original claim 84. Claim 79 does not appear to read on the disclosure (figs. 9, 10) as understood. Where in specification is basis (elastic range no less than half). Which fig is referred to? for these terms? Claim 66, member 220 does not extend towards the tip structure 230.

Claims 63, 64 seem directed to figs. 5A embodiment, but for this contact tip 23 would not be "reverse wiped" as best understood. Compare to figs. 4, 5B. Claim 78 the functional relationship of the pressure device and to cantilevered beam should be set forth in the claim.

Claims 48-59, 61-66 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japan (Kawahara).

The Japan figs. 3, 4 device includes a beam with a tip and a protruding member at leadline 2. The reverse wipe effect discussed by applicant on page 16 due to "tip rotation" would also take place with use of the Japan contact. Note applicants fig 5B and Japan fig. 1 which show basically similar contact structure. Claims readable on fig. 5B should also read on Japan contact.

Claims 48-59 and 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Japan (Kawahara).

Art Unit: 2839

It would have been obvious to form the White fig. 2 contacts with a tip and an end part projecting downward towards stop 18 in view of Japan patent.

> Claims 78, 79, 83, 84, 86-89 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over <sup>Silwa or</sup> Shell. *or Soejima taken with Ardezzone.*

Shell contacts each include a base fixed to parts 10, 11 a cantilever 13 a pressure device located under cantilever 13 (with 14 horizontal). Use of cams for such devices is also well

> known. *Soejima, fig 1, obvious to add actuators in view of Ardezzone at 42. Silwa, see fig 4b, actuator 46; also obvious to use piezo actuator 50.*

Claim 78, 79, 83, 84, 86-89 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over <sup>1)</sup> Espenshade. <sup>2)</sup> *or Werner alone or with Shell or 3) Fitzgerald alone or with Shell.*

See fig. 3; contact upper part, to left of numeral 46 read as a cantilever beam with a tip 38 and with a base secured through 36, 30, 34 to a substrate and a pressure device 4b located below <sup>fig 6,</sup> the an end of beam. *Werner, see actuator 14, also obvious to use Shell type fluid tube. Fitzgerald, fig 4, see actuator 186. Also obvious to use Shell type tube 26.* Applicant's arguments filed with the amendment have been fully considered but they are not persuasive. None of the arguments appear to be directed to specific features of the references as now applied. *Piezo actuator read as mechanical means.*

Claims 1-12, 14-27, 39-46, 68-77 are allowed.

Claim 60 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2839


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to N. Abrams at telephone number (703) 308-1729.

**N. Abrams/mm**

**11/01/02**

  
NEIL ABRAMS  
EXAMINER  
ART UNIT 322